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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 16TH DAY OF APRIL, 1998

BEFORE

THE HON'BLE MR.JUSTICE H.RANGAVITTALACHAR

HRRP NO.1647/1997

BETWEEN:-

Sri.R.S.Baliga,

Prop.: Baliga's Transport,

Door No.11-8-820/3,

Gollerkeri,

Mangalore - 575 001.

... PETITIONER

(By Sri.G.K.Shevgoor, Adv.)

A N D:-

M/s.K.Vittal Nayak &

K.Madhava Nayak,

A Regd.Partnership firm,

Gollerkeri,

Mangalore - 575 001,

Represented by its Partner

Mr.K.Gopalakrishna Nayak.

... RESPONDENT

(By Sri.O.Shivaram Bhat, Adv. for C/R)

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-: 2 :-

HRRP is filed U/s.115 of CPC against the order dated 30-8-1997 passed in R(R)P NO.400/1987 on the file of the I Additional District Judge, Mangalore, allowing the revision petition and setting aside the order passed in H.R. C.No.119/85 dated 24-11-1987 by the IV Additional Munsiff, Mangalore.

This HRRP coming on for admission this day, the court made the following:

O R D E R

Learned counsel appearing for the petitioner/tenant Sri.Shevgoor's only submission was that having regard to the facts of the case viz., that his client has been carrying on the business in Transport Agency, 3 years time be granted so that his client may search for suitable accommodation and vacate the premises.

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-: 3 :-

Respondent/landlord has entered caveat and is represented by a counsel Sri.G.S.Visveswara who has no objection for granting of such time.

In view of the same, this revision petition is dismissed. However the tenant is granted 3 years time from today to quit and deliver vacant possession of the schedule premises to the respondent/landlord subject to the following conditions:

- (a) that the petitioner/tenant shall file an affidavit undertaking to voluntarily vacate the premises on or before the expiry of 3 years period from today. The affidavit shall be filed within 6 weeks from today after serving a copy on the landlord's counsel.
- (b) that the tenant shall pay the rents regularly as and when it falls due without any default.

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-: 4 :-

(c) that the tenant shall not
sublet or sublease the
premises.

petition dismissed.

Sd/-
JUDGE.

vns.

R. By : *[Signature]*

C. By : *[Signature]*



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[Signature]

Assistant Registrar
High Court of Karnataka
Bangalore-560 001

[Signature]
28/5/98